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5 **IN THE UNITED STATES DISTRICT COURT**
6 **FOR THE DISTRICT OF NEVADA**

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8
9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 vs.
12 Jesus Guadalupe Felix Burgos, *et al.*,
13
14 Defendants.

2:11-cr-00048-JCM -LRL

**PROPOSED COMPLEX CASE
SCHEDULE PURSUANT
TO LCR 16-1(a)**

15 Pursuant to Local Rule 16-1(a)(1) and (2), counsel for the United States, Daniel G. Bogden,
16 United States Attorney, Assistant United States Attorney, Kathleen Bliss, and undersigned counsel
17 for the Defendants, respectfully submit this proposed Complex Case Schedule, requesting that this
18 Court set a trial date and enter an Order “fixing the schedule for discovery and pretrial motions.”
19 (LCR 16-1(a)(1)–(a)(4)).

20 1. The Indictment in this case was returned by a federal Grand Jury seated in Las Vegas,
21 Nevada, on February 8, 2011. (Docket # 1).

22 2. Defendants Lee Novarro, Nancy Mageno, Ruben Aguilar, John Asher, and Danya
23 Maycotte were arraigned and entered pleas of Not Guilty on February 9, 2011. (Docket # 21, 22, 24,
24 25, 26 (respectively)). Defendant Jesus Guadalupe Felix Burgos was arraigned and entered a plea
25 of Not Guilty on March 3, 2011. (Docket # 51). Defendants Francisco Flores-Jorge and Angel
26 Aguilar are detained in Montana on unrelated charges; however, detainees have been lodged against
27 them pending resolution of their cases. Christopher Fraijo and Daniel Rizo are currently in fugitive
28 status..

THE CASE HAS BEEN DESIGNATED AS COMPLEX

2 3. The case presents complex and potentially novel issues of fact and law in that the
3 Indictment charges all Defendants with Conspiracy to Distribute a Controlled Substance, in violation
4 Title 21, United States Code, Sections 846 and Defendants Burgos, Novarro, Mageno with
5 Distribution of a Controlled Substance, in violation Title 21, United States Code, Sections 841(a)(1).
6 (Docket #1). The government's evidence includes extensive, court-authorized interceptions of
7 communications among the conspirators.

8 4. The government alleges that defendants, were engaged in drug trafficking over a
9 one-year period of time. In this investigation, numerous consensually recorded drug buys were
10 made and four, court-authorized interceptions of telephone communications occurred over a three
11 and a half month period. As such, the case presents complex and novel issues of fact and law. The
12 government anticipates that the drug amount will exceed 1.5 pounds of actual methamphetamine
13 (“Ice”).

PROPOSED COMPLEX CASE SCHEDULE

15 5. To date, the government has provided initial discovery in this case that involved
16 production of evidence which falls under Fed. R. Crim. P. 16; that is, over 1,278 pages of discovery
17 and at least 10 CDs containing court-authorized interceptions of telephone calls and monitored drug
18 buys. The government does not anticipate that there will be a significant amount of additional
19 discovery, but the government does submit that it will take time for defendants and their counsel to
20 review all of the discovery to date, much of which is in Spanish. Below is a schedule on which the
21 parties have agreed:

PROPOSED COMPLEX CASE SCHEDULE

23 || 1. The Trial Date(s):

24 The parties agree to a trial setting on or about October 3, 2011, and anticipate that trial will
25 proceed for up to three weeks.

26 | 2. The Initial Discovery Phase.

27 The parties propose that the government, though having essentially met its discovery
28 obligations under Fed.R.Crim.P. 16 (a)(1)(A) - (D), shall continue to meet its obligation, to disclose

1 and provide the following:

- 2 a. all statements, documents, and objects, including audio and video recordings,
3 required to be disclosed under Federal Criminal Rules of Procedure 16(a)(1)(A)-
4 (F).
- 5 b. all search warrants, orders authorizing the interception of wire, oral or electronic
6 communications, and supporting affidavits, that relate to evidence that may be
7 offered at trial;
- 8 c. all police or investigative reports that relate to the charges in the Indictment.

9 3. The Discovery Motions Schedule To Resolve Any Discovery Disputes.

10 The parties acknowledge a duty to make good faith efforts to meet and confer with each other
11 to resolve informally any dispute over the scope, manner and method of disclosures before seeking
12 relief from the Court. A breach of the duty to meet and confer, by either party, may serve as a basis
13 to grant or deny any subsequent motion for appropriate relief made before the Court. If the parties
14 are unable to agree or resolve disputes after good faith efforts to do so, the parties propose the
15 following discovery pretrial motions schedule:

- 16 a. Pretrial Motions, including notices of any defenses under Rules 12.1, and 12.2
17 of the Federal Rules of Criminal Procedure, shall be filed on or before July 1, 2011.
18 b. Responses to Pretrial Motions to be filed on or before July 15, 2011; and
19 c. Replies to Pretrial Motions to be filed on or before July 21, 2011.

20 4. The Second Discovery Phase

21 The parties propose that NO LATER THAN 60 DAYS BEFORE TRIAL:

22 The parties will permit the inspection, copying or photographing all documents a n d
23 objects as described in Fed.R.Crim.P. 16(a)(1)(E) and Fed.R.Crim.P. 16 (b)(1)(A).

24 The parties will provide their respective notices of expert witness(es) and any and all reports
25 and tests as required by Fed.R.Crim.P. 16(a)(1)(F)and Fed.R.Crim.P. 16(b)(1)(B).

26 The United States will file its designated transcripts that the government intends on using at trial.

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1 The parties propose that NO LATER THAN 30 DAYS BEFORE TRIAL:

2 The parties will provide to each other expert witness summaries as described in
3 Fed. R.Crim.P. 16(a)(1)(G) and Fed.R.Crim.P. (B)(1)(C).

5. The Third Discovery Phase

5 The parties propose that NO LATER THAN 10 DAYS BEFORE TRIAL:

- 6 a. the parties will disclose any summaries, charts or calculations that will be offered
7 in their respective case-in-chief at trial;

8 b. the parties will identify recordings, transcripts of recordings, or portions thereof,
9 that will be offered in their respective case-in-chief at trial;

10 c. the government will provide to defendants all witness statements and
11 impeachment information for those witnesses that the government intends on calling
12 in its case in chief unless the government files a motion for a protective order at that
13 time.

14 || 6. Supplemental Motions.

15 The parties agree that any supplemental motion can be filed upon a showing of good cause
16 as determined by the Court. These motions shall be based on issues unforeseen to the parties at the
17 time this agreement was filed.

18 WHEREFORE, the government respectfully requests that the Court grant this Motion and
19 enter an Order adopting the proposed complex case schedule. A proposed Order is attached for the
20 convenience of the Court.

21 Dated this the day of March 2011.

DANIEL G. BOGDEN
United States Attorney

/s/
KATHLEEN BLISS
Assistant United States Attorney

[Signature]
/s/ *Sara M. Hers*
FPD
Counsel for Defendant Burgos

/s/
KAREN C. WINCKLER
MARGARET STANISH
Counsel for Lee Novarro

1
2 /s/
3 MACE J. YAMPOLSKY
4 Counsel for Defendant Mageno
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10 /s/
11 TERRENCE M. JACKSON
12 Counsel for Defendant R. Aguilar
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1 /s/
2 RICHARD A. SCHONFELD
3 Counsel for Defendant Asher
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10 /s/
11 JESS R. MARCHESE
12 Counsel for Defendant Maycotte
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10 **IT IS SO ORDERED.**
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12 **UNITED STATES MAGISTRATE JUDGE**
13 **DATED:** _____
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